

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY DUNN, III and ERICA SIMPSON-
DUNN, *individually, and as parents and natural
guardians of* HENRY DUNN, IV, *an infant*,

Plaintiffs,

-v-

THE CITY OF NEW YORK, *et al.*,

Defendants.

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No. 08 Civ. 3208 (RJS)
ORDER


RICHARD J. SULLIVAN, District Judge:

By Order dated August 10, 2009, the Court noted that Plaintiffs have failed to file a timely opposition submission to Defendants' pending motion for summary judgment. (Doc. 22.) The Order directed Plaintiffs to file their submission by August 14, 2009, and noted that the failure to do so may result in dismissal of this action for failure to prosecute. (*Id.*) However, as of the date of this Order, Plaintiff has neither filed opposition papers nor provided any explanation to the Court for this deficiency.

Accordingly, IT IS HEREBY ORDERED THAT Defendants' pending motion is deemed fully briefed, and no further submissions will be accepted from Plaintiffs with respect to this motion. IT IS FURTHER ORDERED THAT Plaintiffs' counsel shall show cause, in a written submission to be *received* by the Court by August 28, 2009: (1) why this action should not be dismissed pursuant to Rule 41 for failure to prosecute, and (2) why counsel should not be separately sanctioned for his disregard of the Court's previous Orders.

SO ORDERED.

DATED: August 18, 2009
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE